

Item B.5
8/7/12

Late Backup

ORDINANCE NO.

1 AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF
2 AUSTIN ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING A
3 PROPOSED CHARTER AMENDMENT TO THE VOTERS.
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6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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8 PART 1. Ordinance No. No. 20120628 – 091 is repealed.

9 PART 2. A charter amendment election shall be held in the City on November 6, 2012
10 at which the ballot shall be prepared to permit voting “yes” or “no” on the following
11 proposition:

12 Proposition ---

13 Shall the city charter be amended to move the City’s general election date from May to
14 November, to provide that council members serve four-year staggered terms, to provide
15 that council elections occur in even-numbered years, and to limit the mayor and council
16 members to two terms?

17 PART 3. If Proposition --- is approved by the majority of voters voting at the election,
18 Article III, § 2 of the Charter is amended to read as follows:

19 § 2 ELECTION DATE; COUNCIL TERMS; ELECTION BY MAJORITY AND
20 RUN-OFF ELECTIONS.

21 (A) The City’s general elections [~~regular election of the Mayor and~~
22 ~~council members~~] shall be held on the November [~~May~~] uniform election date
23 authorized by state law in even-numbered years. Notwithstanding any other
24 provision of this Charter, the regular term of the mayor and council members is
25 four years. Council terms shall be staggered so that a general election is held
26 every two years, and half or as near to half as is practical, of the council is
27 elected at each election.

28 (1) The council shall provide by ordinance for the transition from three-year
29 terms to four-year terms and for staggering the terms of council
30 members. The ordinance may provide for drawing lots for initial terms
31 or temporarily lengthening or shortening individual council member’s
32 terms to accomplish the transition. If a council member’s term is
33 materially shortened for the purpose of the transition, that shortened term
34 does not count as a term for the purpose of Article II, Section 3, of this

1 Charter. When this paragraph has served its purpose, it expires, and need
2 not be reprinted in future versions of the Charter.

3 (B) At every regular election and at every special election called to fill one or more
4 vacant places on the council, election to each place on the council shall be by a
5 majority of all the votes cast for such place at such election. In every such
6 election each qualified voter shall vote for not more than one candidate for
7 each council place to be filled. Where in an election to a place on the council,
8 no candidate receives a majority of all the votes cast for such place at such
9 election, the council shall, immediately upon declaring the official results of
10 the election, issue a call for a run-off election for every place to which no one
11 was elected. Such run-off election shall be held in accordance with state law
12 and the two [~~2~~] candidates who received in the preceding election the highest
13 number of votes for each place to which no one was elected shall be voted on
14 again, and the candidate who receives the majority of the votes cast for each
15 such place in the run-off election shall be elected to such place.

16 **PART 4.** If Proposition --- is approved by the majority of voters voting at the election,
17 Article II, § 3 of the Charter is amended to read as follows:

18 **§ 3 TERM LIMITS.**

19 (A) Except as provided in Subsection (C), a person may not be elected to or serve in
20 the office of Mayor for more than two [~~three~~] consecutive terms, and a person
21 who has held the office of Mayor for more than two years of a term to which some
22 other person was elected Mayor may not be elected to the office of Mayor more
23 than once in [~~twice~~] succession.

24 (B) Except as provided in Subsection (C), a person may not shall be elected to or
25 serve on the City Council in a position other than Mayor for more than two [~~three~~]
26 consecutive terms, and a person who has held a position other than Mayor for
27 more than two years of a term to which some other person was elected to the
28 position may not be elected to a position other than Mayor more than once [~~twice~~]
29 in succession.

30 (C) A person subject to a term limit with respect to an office may become a candidate
31 for the office and serve if elected if the person's application to be a candidate for
32 the office is accompanied by a petition requesting that the person be authorized to
33 be a candidate and the petition is signed by at least five per cent of the qualified
34 voters of the territory from which the office is elected.

35 **PART 5.** This ordinance takes effect on -----, 2012.

PASSED AND APPROVED

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_____, 2012

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk